

Chapter 12

Environment and Public Health

Article VI. Zero Waste Packaging

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Article VI. Zero Waste Packaging

Sec. 12-201. Legislative purpose.

The City of St. Louis Park is committed to being a leader in environmental stewardship and to increasing environmental consciousness and responsibility in all areas of city business.

The purpose and intent of this ordinance is to:

- (a) Encourage the use of reusable food and beverage packaging when possible;
- (b) Minimize the amount of single-use, disposable food and beverage packaging that must be thrown in the garbage, and thus disposed via incineration or landfilling;
- (c) Maximize the amount of single-use food and beverage packaging items that can be recycled or composted; and
- (d) Minimize contamination in organics and recycling.

Sec. 12-202. Definitions.

As used in this chapter, the following terms and phrases shall have the meanings as defined in this section:

Compostable packaging shall mean packaging that is separable from solid waste prior to collection for the purpose of composting or anaerobic digestion. Compostable packaging must be made of certified compostable plastic or paper that meets ASTM D6400 or ASTM D6868 or other material accepted by the facility receiving and processing the materials as determined by the St. Louis Park Public Works Department by rule promulgated pursuant to Section 12-205.

Food and beverage packaging shall mean packaging used to serve food and beverage products intended for immediate consumption including cups, plates, bowls, serving trays, to-go containers, clamshells, wrappers, and lids.

Food establishment shall mean a "food establishment" as defined by Chapter 3.3.1 Hennepin County Code of Ordinances.

Mobile use-food establishment shall mean "mobile use-food" as defined in Chapter 36-142(g)(5) of the City Code of Ordinances.

Non-packaging food service items shall mean items that are not packaging, but are used to consume food, including straws and utensils.

Recyclable packaging shall mean food or beverage packaging that is separable from solid waste prior to collection for the purpose of recycling. Recyclable packaging must be accepted by the local material recovery facilities receiving and processing the materials and have existing robust recycling

markets as determined by the St. Louis Park Public Works department by rule promulgated pursuant to Section 12-205. Reusable packaging shall mean food or beverage packaging that is capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage.

Single-use shall mean an item designed and intended for a single use.

Zero waste packaging shall mean and include reusable packaging, single-use recyclable packaging, and single-use compostable packaging.

Sec. 12-203. Prohibitions and duties.

(a) No person owning, operating or conducting a food establishment or any person or organization providing free food or beverage products within the City of St. Louis Park pursuant to a Hennepin County or Minnesota Department of Agriculture permit or license, or in a manner which would require a permit or license, shall do or allow to be done any of the following within the city:

(1) Sell or convey at retail or possess with the intent to sell or convey at retail any food or beverage packaging which is not zero waste packaging. The presence on the premises of the food establishment of packaging which is not zero waste packaging shall constitute a rebuttable presumption of intent to sell or convey at retail, or to provide to retail customers packaging which is not zero waste packaging.

(b) To reduce contamination in recycling and organics, mobile use-food establishments shall implement the following by January 1, 2020, and all other food establishments shall implement the following by July 1, 2020:

(1) Single-use cups and containers that are utilized with lids shall have lids of the same category of packaging.

a. Recyclable packaging shall only have recyclable lids;

b. Compostable packaging shall only have compostable lids.

(2) Compostable cups shall be labeled to clearly indicate to the consumer that the cup is compostable. Labeling must include at least one of the following:

a. The words “certified compostable,” “commercially compostable” or other language, as approved by the St. Louis Park Public Works Department by rule promulgated pursuant to Section 12-205. “Made from plants,” “bio-based,” or “biodegradable” are not acceptable alternatives on their own;

b. The logo of a third-party certification or testing body indicating the cup meets compostability standards, as approved by the St. Louis Park Public Works Department by rule promulgated pursuant to Section 12-205.

(c) All food establishments shall implement the following in relation to non-packaging food service items by January 1, 2020:

(1) Single-use utensils including, but not limited to, forks, spoons, and knives shall be compostable.

(2) Single-use straws of any kind shall only be provided to consumers upon request. Front of-house straw dispensers, which allow for customers to self-serve, meet this requirement.

Sec. 12-204. On-site collection for recyclable and compostable packaging.

(a) A food establishment which utilizes single-use compostable and/or recyclable food packaging to serve consumers on-site shall have on-site collection for recyclable and/or compostable packaging.

(1) A food establishment that does not utilize single-use packaging to serve consumers on-site is exempt from the requirement to have on-site collection for recyclable and/or compostable packaging.

- (2) A food establishment that does not have dine-in seating for consumers is exempt from the requirement to have on-site collection for recyclable and/or compostable packaging.
- (3) If a mobile use-food establishment is being hosted by an entity as part of an event or regular business, the hosting entity shall provide on-site collection for recyclable and/or compostable packaging.
- (b) Containers for the on-site collection of recyclable and/or compostable packaging shall be colocated with garbage containers.
 - (1) If garbage receptacles are available to consumers, then receptacles for separating recyclable and/or compostable packaging must also be made available to consumers in the same location.
 - (2) If garbage receptacles are not available to consumers and are instead placed in areas for use by staff only, then receptacles for separating recyclable and/or compostable packaging are only required in those locations.
- (c) A food establishment shall arrange for the collection of recyclable and/or compostable packaging by a licensed solid waste collector for delivery to an appropriate transfer station or processing facility.

Sec. 12-205. Rules and regulations.

The St. Louis Park Public Works Department may promulgate such rules and regulations as may be necessary to carry out the purposes of this article and protect the health of the public, including:

- (a) A list of recyclable and compostable packaging that meets definitions under Section 12-202;
- (b) A list of third-party certification or testing bodies that meet the requirements under Section 12- 203(b)(2);
- (c) A list of exemptions under Section 12-206(e).

In promulgating such rules, the department shall consider the legislative purposes provided in Section 12-201 of this ordinance and shall consult with the operators of affected food establishments, local material recovery facilities and local commercial composting facilities. The public works department rules and regulations shall be approved by the city manager annually.

Sec. 12-206. Exclusions and exemptions.

Notwithstanding any other provisions to the contrary, this ordinance shall not apply to:

- (a) Manufacturers, brokers, distributors or warehouse operators who conduct or transact no retail food or beverage business;
- (b) Food and beverage service provided through patient care at hospitals and nursing homes;
- (c) Food packaging pre-packaged by a manufacturer, producer or distributor;
- (d) Plastic films less than ten (10) mils in thickness;
- (e) Any packaging, which is not zero waste packaging, but for which there is no commercially available alternative as determined by the St. Louis Park Public Works Department by rule promulgated pursuant to Section 12-205. In determining whether there are commercially available alternatives, the public works department will consider whether there is availability of zero waste packaging for affected products. Every rule creating an exemption under this paragraph will be reviewed annually by the public works department to determine whether current conditions continue to warrant the exemption.

Sec. 12-207. Violations and enforcement.

- (a) Violations of this ordinance shall be punishable as a misdemeanor pursuant to City Code Section 1-13, and/or an administrative offense pursuant to City Code Section 1-14, Administrative Penalties.
- (b) The administrative offenses provided for in this article shall be in addition to any other legal or equitable remedy available to the city for city code violations.

(c) At the time a violation occurs, a warning notice will be given in writing. The food establishment will be given 14 calendar days to take corrective action before a fine is issued.

Sec. 12-208. Severability.

If any part or provision of this ordinance or the application thereof to any person, entity, or circumstances shall be judged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons, entities, or circumstances.

Sec. 12-209. Effective date.

Unless otherwise indicated, this ordinance shall take effect January 1, 2017.

Sec. 12-210--12-250. Reserved.

(Ordinance No. 2485-15, 12-21-15; Ordinance No. 2561-19, 6-17-19)